



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,395	07/02/2003	Taylor N. Van Vleet	ZNET.093A	3210

20995 7590 09/17/2008
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
----------	--------------

2157

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

09/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/612,395</p>	<p>Applicant(s) VLEET ET AL.</p>	
	<p>Examiner BARBARA N. BURGESS</p>	<p>Art Unit 2157</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-13 and 46-66.
Claim(s) withdrawn from consideration: 14-45.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). 6-26-08
13. ☐ Other: _____.

/Salad Abdullahi/
Primary Examiner, Art Unit 2157

Continuation of 11. does NOT place the application in condition for allowance because:

ADVISORY ACTION

The Office notes the following argument(s):

- (a) Linden and Marshall do not collectively teach an "event server" that "implements a query interface through which the one or more applications retrieve the event data associated with particular users at least by event type and event time occurrence."
- (b) Nowhere does Linden suggest that retrieval of customer purchase histories or query log records involves the use of a "query interface through which the one or more applications retrieve the event data associated with particular users at least by event type and event time of occurrence".
- (c) Marshall does not disclose an event history server that "is capable of responding to a query submitted by an application via said query interface by identifying particular events that match event criteria included in said query."

1. Applicant's arguments filed have been fully considered but they are not persuasive.

In response to:

(a)-(c) Linden teaches a Recommendation System that monitors the pages or sites viewed by the user during the current browsing session and generates recommendations on a customized page. The monitored pages and sites viewed are referred to as browsing histories and are stored in user profiles database/query log record (event history server). The database/query log record (event history server) includes user's purchase history, dates of purchase, history of items viewed, etc. The Recommendation Service (application) obtains information from the database/query log record (event history server) in order to generate recommendations. The Recommendation Service (application) selects (query) items from the database/query log record (event history server) that were viewed by the user for an extended period of time, sessions conducted by a user within a particular time period (event time of occurrence), viewed more than once, or viewed during the current session (event type). As well, the browsing session ID is an identifier that uniquely identifies a browsing session. The browsing session ID includes a number representing the date and time at which the browsing session started (event time occurrence). The Recommendation Service can request a browsing session by session ID (event time occurrence) to generate recommendations (paragraphs [0016, 0020, 0065, 0068, 0093, 0123, 0126, 0139, 0189, 0191]).

Marshall teaches a Health History Personalization Server that is queried by a user to obtain health information corresponding to the user. A desired term is entered and information matching that term is returned to the user. The user inputs the query term via an entry pane (paragraphs [0068, 0073-0074]).

Therefore, Linden and Marshall collectively, undoubtedly, discloses "a query interface through which the one or more applications retrieve the event data associated with particular users at least by event type and event time occurrences".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Barbara N Burgess/

Examiner, Art Unit 2157 Barbara N Burgess

Examiner

Art Unit 2157

August 20, 2008